

Remarks

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

The claims of the application are amended by canceling former claims 9 and 10 and replacing them with new claim 11. The new claim is specifically directed to the single species which is the first species specified in former claim 10. Thus it is noted in response to the requirement of the Examiner in the third paragraph on page 3 of the Official Action, that Applicants elect for prosecution in this application the species of claim 11.

It is to be emphasized that the cancellation of claims 9 and 10 is effected without prejudice to the filing of one or more divisional applications directed to the deleted subject matter of those claims.

The Examiner rejected claims 9 and 10 as being anticipated by the Cossement Great Britain publication '321. Insofar as new claim 11 is concerned, this rejection is deemed to be untenable and is respectfully traversed.

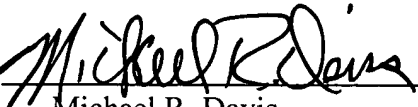
While the Examiner is correct that the '321 publication teaches - in general terms - that cetirizine may be used for the treatment of inter alia pruritus and urticaria and discloses the two isomers of cetirizine, there is in fact no disclosure that either or both of those isomers possess the activity of the racemate. Thus, the Examiner's rejection under 35 U.S.C. § 102(b) is not well taken and should be withdrawn.

The rejection of claim 9 based upon Gray '183 is rendered moot by the cancellation of that claim.

Based upon the foregoing amendments and remarks the Applicants request that the Examiner's rejections against this application be withdrawn.

Respectfully submitted,

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